

JUDICIAL COUNCIL OF GEORGIA

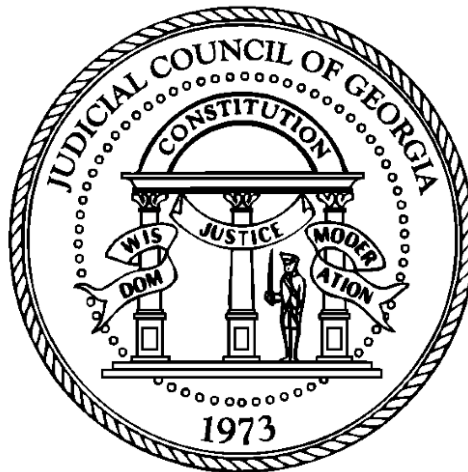
General Session

Friday, April 22, 2011

*State Offices South at Tift College
Georgia Department of Corrections*

9:00 p.m. – 12 p.m.

***Vinzant Hall
(Classroom A and B)***



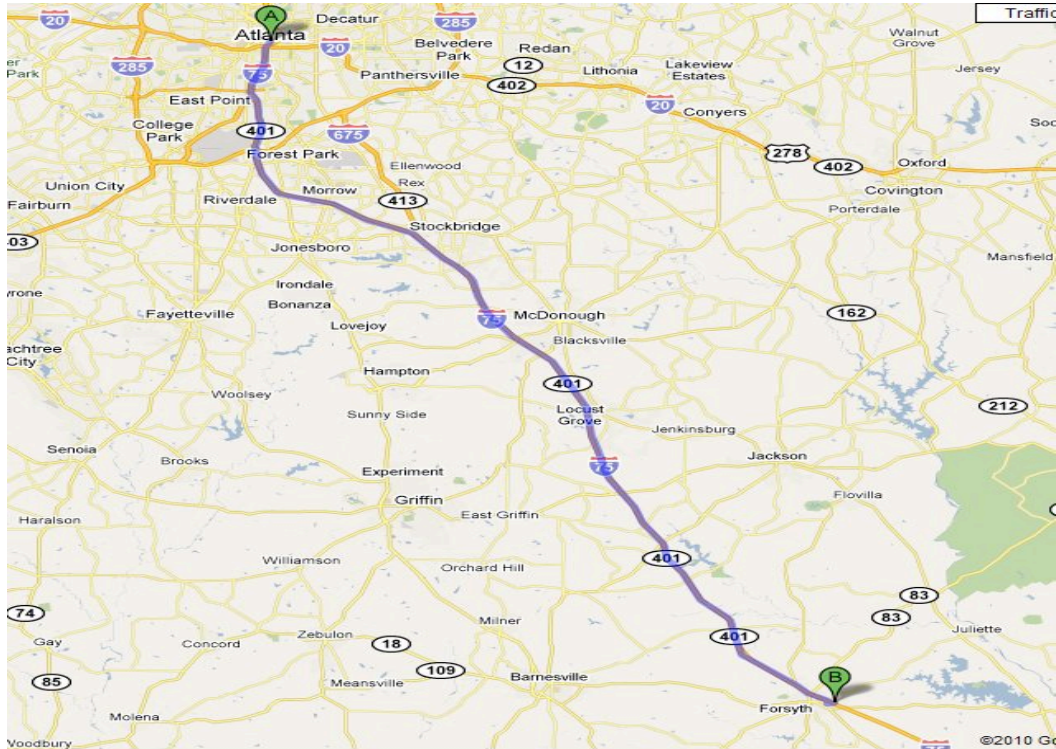
*Luncheon
12:00 p.m.*

*Optional: DOC Firing Range
1:00 p.m.*

***300 Patrol Road
Forsyth, GA 31029***

Directions

State Offices South at Tift College
Georgia Department of Corrections
300 Patrol Road
Forsyth, GA 31029



Driving on I-75 Northbound:

- Take exit 186 in Forsyth, GA.
- Turn left and proceed 0.25 miles to Patrol Road.
- Turn right on Patrol Road and proceed 0.45 miles to the entrance to Tift College on Left.

Driving on I-75 Southbound:

- Take exit 186 in Forsyth, GA.
- Turn right and proceed 0.12 miles to Patrol Road.
- Turn right on Patrol Road and proceed 0.45 miles to the entrance to Tift College on Left.

This is a secure facility. There will be a guard at the gate. You will need to present a photo ID and know the name of the building (Vinzant) where your meeting will be held. The guard will give you specific instructions where to park.

**Judicial Council of Georgia
State Offices South at Tift College
Georgia Department of Corrections
300 Patrol Road
Forsyth, Georgia 31029**

**Friday, April 22, 2011
9:00 a.m.-12:00 p.m.**

*Light Breakfast will be served at 8:00 a.m.
Box Lunch will be served at 12:00 p.m.*

- 1. Introductions and Preliminary Remarks**
(Chief Justice Hunstein, Est. Time — 10 Min.)
- 2. Approval of Minutes—January 21, 2011**
(Chief Justice Hunstein, Est. Time — 5 Min.)
- 3. National Initiatives on Evidence-Based Sentencing
Presentation and Discussion Led by Representative from PEW Foundation**
(Est. Time—1 hour)

*******Break – 10 Min.*******

- 4. Committee Reports:**
 - A. Standing Committee on Policy & Legislation (Update and Next Steps)**
(Presiding Justice George H. Carley, Est. Time — 10 Min.)
 - B. Standing Committee on Budget**
(Justice P. Harris Hines, Est. Time — 20 Min.)
 - 1) FY 2011
 - 2) FY 2012
 - C. Standing Committee on Drug Courts**
(Chief Judge Jeffrey S. Bagley, Est. Time—10 Min.)
 - D. Court Reporting Matters Committee**
(Presiding Judge Herbert E. Phipps - Written Report)
- 5. Report from AOC Director**
(Ms. Marla S. Moore, Time — 15 Min.)
- 6. Reports from Appellate Courts and Trial Court Councils**
 - A. Supreme Court**
(Chief Justice Carol W. Hunstein, Est. Time — 5 Min.)

B. Court of Appeals
(Chief Judge John J. Ellington, Est. Time — 5 Min.)

C. Council of Superior Court Judges
(Judge Kathlene F. Gosselin, Est. Time — 5 Min.)

D. Council of State Court Judges
(Judge John W. Bass, Sr., Est. Time — 5 Min.)

E. Council of Juvenile Court Judges
(Judge F. Bryant Henry, Jr., Est. Time — 5 Min.)

F. Council of Probate Court Judges
(Judge Todd A. Blackwell, Est. Time — 5 Min.)

G. Council of Magistrate Court Judges
(Judge (Al) William A. Willis, Jr., Est. Time — 5 Min.)

H. Council of Municipal Court Judges
(Judge Nelly F. Withers, Est. Time — 5 Min.)

7. Old/New Business
(Chief Justice Carol W. Hunstein, Est. Time — 5 Min)

8. Concluding Remarks and Adjournment
(Chief Justice Carol W. Hunstein, Est. Time — 5 Min.)

A. Next Regular Council Meeting

Date: Friday, August 26, 2011

Place: Administrative Office of the Courts

Time: 9:00 a.m. until 12:00 p.m.

(Tour of AOC Facilities will be conducted immediately following lunch)



TO: Members of the Judicial Council

From: Marla S. Moore, Director

RE: Judicial Council Policy Committee and the Legislative Session

The legislative efforts of the Policy Committee culminated in nine “support” proposals that were approved by the Judicial Council. We are pleased to report that the Judicial Council’s legislative agenda was resoundingly successful and culminating in the passage of the Jury Reform Act of 2011, the final bill to pass the General Assembly this year. Many of these proposals were spearheaded by particular courts, who we note worked very hard and very effectively on their legislation. A list of the Judicial Council bills is attached, along with their status.

During the session several bills were introduced that warranted Policy Committee scrutiny, but were not brought to the Judicial Council for consideration. Among these were:

- Special Council on Criminal Justice Reform for Georgians (HB 265) – passed
- Changing the dates of non-partisan elections (HB 158) -- passed
- Additional 1% qualifying fee to support the JQC (HB 262) – passed House only
- Magistrates to serve at the pleasure of the chief magistrates (HB 149) – passed House only

Earlier in the year, the Judicial Council approved a new policy to oppose legislation affecting subject matter jurisdiction unless it had been brought before the Policy Committee. Only one bill was introduced that would have invoked this new policy and that was HB 100, which would create a new tax court. After conferring, the Policy Committee decided to engage the sponsor through a local judge instead of actively opposing the bill. This proved successful, as the bill did not move out of committee this session. Administrative Office of the Courts staff will continue to monitor HB 100 and interest in the tax court concept.

Looking ahead, the growing cooperation among judicial branch entities appears to be serving us well. Staff of the councils and the Administrative Office of the Courts have been meeting regularly to share information and this has been productive. Between the sessions there will be a special session in August to deal with reapportionment, and there will be ongoing study of new policies and several bills that did not pass during this session.

Judicial Council Legislative Positions				
Bill Number	Description	Official Position	Additional Notes	Status
<u>HB 415</u> <u>SB 191</u>	Jury Reform Act of 2011	Support	The jury reform act will become effective 12 months after the Governor signs the bill. Court rules need to be approved and the clerks need to develop and execute a plan to provide the new jury lists.	Passed.
<u>HB 24</u>	Evidence Code Re-write	Support	Effective January 1, 2013, and includes provisions regarding regulation of court interpreters.	Passed.
<u>HB 339</u>	Court emergency powers. O.C.G.A § 38-3-61	Support	This bill streamlines venue and appeal procedures in the case of a pandemic, and grants the Chief Justice more authority to create an appropriate emergency order.	Passed.
<u>SB 39</u>	Enabling legislation for mental health courts. O.C.G.A § 15-1-16	Support	Council of Superior Court Judges.	Passed.

Judicial Council Legislative Positions				
Bill Number	Description	Official Position	Additional Notes	Status
<u>HB 272</u>	HB 272 removes the requirement for rehearing of associate juvenile court judges' decisions. O.C.G.A § 15-11-21	Support	Council of Juvenile Court Judges.	Did not pass.
<u>HB 373</u>	An order for restrictive custody in the case of a child found to have committed a designated felony act may be modified to shorten the length of confinement in a YDC. O.C.G.A §§ 15-11-40 & 15-11-63	Support	Council of Juvenile Court Judges.	Passed.

Judicial Council Legislative Positions				
Bill Number	Description	Official Position	Additional Notes	Status
<u>SB 47</u>	Magistrate Court Training Council would have discretion to decide what training hours would be required. The window is 12 to 20 hours. O.C.G.A § 15-10-137	Support	Council of Magistrate Court Judges.	Passed.
<u>HB 155</u>	Increase protections afforded accused. O.C.G.A § 17-6-90	Support	Council of Magistrate Court Judges. Would require a hearing with notice to the accused before a Judge could issue a good behavior bond except in cases of imminent danger to persons or property.	Did not pass.
<u>HB 41</u>	Reduce \$10.00 per page fee to clerks for preparing record and transcript for appeal to \$1.00. O.C.G.A § 15-6-77	Support	This repeals the fee increase authorized last year by HB 1055; the law remains silent on the appellate courts accepting alternatives by court rule.	Signed, effective 3/16/2011.



TO: Members of the Judicial Council

FROM: Marla S. Moore
Director

RE: Judicial Council Budget Committee Report

Justice Hines, Chair of the Judicial Council Budget Committee, will present the Committee's recommendation as to the spread of the Amended FY 2011 reductions for approval by the full Council.

The Committee will meet at 8:00 a.m. prior to the start of the Judicial Council meeting to discuss a recommendation for the FY2012 budget which will begin on July 1. If the committee approves a recommendation, copies of the proposal will be distributed prior to the meeting.

AFY 2011 AS PASSED

AFY 2011 Judicial Council Budget 03/30/2011

(\$482,381) reduction spread evenly as a percentage (4.75%); excluding Drug Courts. AOC absorbing (\$72,781) reduction in statewide adjustments to be distributed across subprograms by usage and personnel counts (Worker's Comp, GTA, State Health Benefits Plan and GBA)

Program	FY 11	AFY11 Change		AFY 11 Received
Georgia Resource Center	565,500	0	0.00%	565,500
Office of Dispute Resolution	65,013	0	0.00%	65,013
Institute of Continuing Judicial Education	507,072	(20,283)	-4.00%	486,789
Judicial Qualifications Commission	251,749	95,960	38.12%	347,709
Total	1,389,334	75,677	5.45%	1,465,011

Judicial Council

Administrative Office of the Courts	6,001,437	(358,011)	-5.97%	5,643,426
Council of State Court Judges*	1,271,366	(60,424)	-4.75%	1,210,942
Judicial Council Standing Committee on Drug Courts	1,909,878	0	0.00%	1,909,878
Child Support Guidelines Commission	105,575	(5,018)	-4.75%	100,557
County and Municipal Probation Advisory Council	252,225	(11,987)	-4.75%	240,237
Legal Services to Victims of Domestic Violence	1,887,159	(89,691)	-4.75%	1,797,468
Council of Probate Court Judges	66,874	(3,178)	-4.75%	63,695
Council of Municipal Court Judges	17,681	(840)	-4.75%	16,841
Council of Magistrate Court Judges	174,119	(8,275)	-4.75%	165,843
Georgia Council of Court Administrators	4,431	(211)	-4.76%	4,220
Georgia Commission on Family Violence	368,771	(17,527)	-4.75%	351,244

Total Judicial Council	12,059,515	(555,163)	-4.60%	11,504,353
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* employer contribution transfer

Total Judicial Council Section	13,448,849	(479,486)	-3.57%	12,969,364
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5.1. Court of Appeals

Purpose: The purpose of this appropriation is for this court to review and exercise appellate and certiorari jurisdiction pursuant to the Constitution of the State of Georgia, Art. VI, Section V, Para. III, in all cases not reserved to the Supreme Court of Georgia or conferred on other courts by law.

165	Total Funds	\$12,841,729
166	Other Funds	\$150,000
167	Other Funds - Not Specifically Identified	\$150,000
168	State Funds	\$12,691,729
169	State General Funds	\$12,691,729

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

	<u>State Funds</u>	<u>Total Funds</u>
170	Amount from prior Appropriation Act (HB948)	\$12,531,853
171	Reflect an adjustment in telecommunications expenses.	(\$912)
172	Reflect an adjustment in the Workers' Compensation premium.	(\$296)
173	Increase the employer share to the State Health Benefit Plan for state employees.	\$213,772
174	Reduce administrative personnel and operating expenses.	(\$52,688)
175	Amount appropriated in this Act	\$12,691,729

Section 6: Judicial Council

176	Total Funds	\$16,141,595
177	Federal Funds and Grants	\$2,552,935
178	Federal Funds Not Specifically Identified	\$2,552,935
179	Other Funds	\$619,295
180	Agency Funds	\$350,390
181	Other Funds - Not Specifically Identified	\$268,905
182	State Funds	\$12,969,365
183	State General Funds	\$12,969,365

6.1. Georgia Office of Dispute Resolution

Purpose: The purpose of this appropriation is to oversee the state's court-connected alternative dispute resolution (ADR) services by promoting the establishment of new ADR court programs, providing support to existing programs, establishing and enforcing qualifications and ethical standards, registering ADR professionals and volunteers, providing training, administering statewide grants, and collecting statistical data to monitor program effectiveness.

184	Total Funds	\$237,903
185	Other Funds	\$172,890
186	Agency Funds	\$172,890
187	State Funds	\$65,013
188	State General Funds	\$65,013

6.2. Institute of Continuing Judicial Education

Purpose: The purpose of this appropriation is to provide basic training and continuing education for Superior Court Judges, Juvenile Court Judges, State Court Judges, Probate Court Judges, Magistrate Court Judges, Municipal Court Judges, Superior Court Clerks, Juvenile Court Clerks, Municipal Court Clerks, and other court personnel.

189	Total Funds	\$664,289
190	Other Funds	\$177,500
191	Agency Funds	\$177,500
192	State Funds	\$486,789
193	State General Funds	\$486,789

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

	<u>State Funds</u>	<u>Total Funds</u>
194	Amount from prior Appropriation Act (HB948)	\$507,072
195	Reduce funds.	(\$20,283)

196	Amount appropriated in this Act	\$486,789	\$664,289
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6.3. Judicial Council

Purpose: The purpose of this appropriation is to support the Administrative Office of the Courts; to support accountability courts and the Standing Committee on Drug Courts; to provide administrative support for the Councils of the Magistrate Court Judges, the Municipal Court Judges, the Probate Court Judges, and the State Court Judges; to operate the Child Support E-Filing system, the Child Support Guidelines Commission, the Commission on Interpreters, the County and Municipal Probation Advisory Council, the Georgia Commission on Family Violence, the Children and Family Courts division; and to support the Committee on Justice for Children.

197	Total Funds	\$14,326,194
198	Federal Funds and Grants	\$2,552,935
199	Federal Funds Not Specifically Identified	\$2,552,935
200	Other Funds	\$268,905
201	Other Funds - Not Specifically Identified	\$268,905
202	State Funds	\$11,504,354
203	State General Funds	\$11,504,354

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

	<u>State Funds</u>	<u>Total Funds</u>
204	Amount from prior Appropriation Act (HB948)	\$12,059,516
205	Reflect an adjustment in telecommunications expenses.	(\$70,691)
206	Reflect an adjustment in the Workers' Compensation premium.	(\$588)
207	Increase the employer share to the State Health Benefit Plan for state employees.	\$98,498
208	Reduce personal services and operating expenses, to be spread among all Judicial Council subprograms. (CC:Exempt accountability courts.)	(\$482,381)
209	Reduce funds to reflect a rental payment credit from the Georgia Building Authority.	(\$100,000)
210	Amount appropriated in this Act	\$11,504,354
		\$14,326,194

6.4. Judicial Qualifications Commission

Purpose: The purpose of this appropriation is to investigate complaints filed against a judicial officer, impose and recommend disciplinary sanctions against any judicial officer, and when necessary, file formal charges against that officer and provide a formal trial or hearing. The purpose of this appropriation is also to produce formal and informal advisory opinions; provide training and guidance to judicial candidates regarding the Code of Judicial Conduct; and investigate allegations of unethical campaign practices.

211	Total Funds	\$347,709
212	State Funds	\$347,709
213	State General Funds	\$347,709

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

	<u>State Funds</u>	<u>Total Funds</u>
214	Amount from prior Appropriation Act (HB948)	\$251,749
215	Increase the employer share to the State Health Benefit Plan for state employees.	\$4,226
216	Provide funds for expenses related to the investigation and prosecution of judges. (CC:Provide funds for outstanding legal bills (\$56,734) and operations and prosecutions of three judges, for the rest of FY 2011 (\$35,000).)	\$91,734
217	Amount appropriated in this Act	\$347,709
		\$347,709

6.5. Resource Center

Purpose: The purpose of this appropriation is to provide direct representation to death penalty sentenced inmates and to recruit and assist private attorneys to represent plaintiffs in habeas corpus proceedings.

218	Total Funds	\$565,500
219	State Funds	\$565,500
220	State General Funds	\$565,500

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

		<u>State Funds</u>	<u>Total Funds</u>
221	Amount from prior Appropriation Act (HB948)	\$565,500	\$565,500
222	Amount appropriated in this Act	\$565,500	\$565,500

Section 7: Juvenile Courts

223	Total Funds	\$7,210,220
224	Federal Funds and Grants	\$447,456
225	Federal Funds Not Specifically Identified	\$447,456
226	State Funds	\$6,762,764
227	State General Funds	\$6,762,764

7.1. Council of Juvenile Court Judges

Purpose: The purpose of this appropriation is for the Council of Juvenile Court Judges to represent all the juvenile judges in Georgia. Jurisdiction in cases involving children includes delinquencies, status offenses, and deprivation.

228	Total Funds	\$1,909,659
229	Federal Funds and Grants	\$447,456
230	Federal Funds Not Specifically Identified	\$447,456
231	State Funds	\$1,462,203
232	State General Funds	\$1,462,203

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

		<u>State Funds</u>	<u>Total Funds</u>
233	Amount from prior Appropriation Act (HB948)	\$1,464,821	\$1,912,277
234	Reflect an adjustment in telecommunications expenses.	(\$2,491)	(\$2,491)
235	Increase the employer share to the State Health Benefit Plan for state employees.	\$24,637	\$24,637
236	Eliminate funding for one vacant administrative assistant position.	(\$24,764)	(\$24,764)
237	Amount appropriated in this Act	\$1,462,203	\$1,909,659

7.2. Grants to Counties for Juvenile Court Judges

Purpose: The purpose of this appropriation is for payment of state funds to circuits to pay for juvenile court judges' salaries.

238	Total Funds	\$5,300,561
239	State Funds	\$5,300,561
240	State General Funds	\$5,300,561

Section 8: Prosecuting Attorneys

241	Total Funds	\$58,289,561
242	Other Funds	\$1,802,127
243	Other Funds - Not Specifically Identified	\$1,802,127
244	State Funds	\$56,487,434
245	State General Funds	\$56,487,434

8.1. Council of Superior Court Clerks

Purpose: The purpose of this appropriation is to assist superior court clerks throughout the state in the execution of their duties and to promote and assist in the training of Superior Court clerks.

246	Total Funds	\$199,952
247	State Funds	\$199,952
248	State General Funds	\$199,952

The above amounts include the following adjustments, additions, and deletions to the previous appropriation act:

		<u>State Funds</u>	<u>Total Funds</u>
249	Amount from prior Appropriation Act (HB948)	\$208,283	\$208,283
250	Reduce operating expenses.	(\$8,331)	(\$8,331)

Section 5: Appeals, Court of

Court of Appeals

Continuation Budget

The purpose of this appropriation is for this court to review and exercise appellate and certiorari jurisdiction pursuant to the Constitution of the State of Georgia, Art. VI, Section V, Para. III, in all cases not reserved to the Supreme Court of Georgia or conferred on other courts by law.

TOTAL STATE FUNDS	\$12,531,853	\$12,531,853	\$12,531,853	\$12,531,853
State General Funds	\$12,531,853	\$12,531,853	\$12,531,853	\$12,531,853
TOTAL AGENCY FUNDS	\$150,000	\$150,000	\$150,000	\$150,000
Sales and Services	\$150,000	\$150,000	\$150,000	\$150,000
Sales and Services Not Itemized	\$150,000	\$150,000	\$150,000	\$150,000
TOTAL PUBLIC FUNDS	\$12,681,853	\$12,681,853	\$12,681,853	\$12,681,853

13.1 Reduce funds to reflect an adjustment in Workers' Compensation premiums.

State General Funds		(\$296)	(\$296)	(\$296)
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13.2 Reduce funds to reallocate expenses for Georgia Enterprise Technology Services (GETS).

State General Funds		(\$2,258)	(\$2,258)	(\$2,258)
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13.3 Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System.

State General Funds		\$557,267	\$557,267	\$557,267
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13.4 Increase funds to reflect an adjustment in the employer share of the State Health Benefit Plan.

State General Funds		\$378,567	\$329,403	\$378,927
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13.5 Reduce funds for personnel and operations.

State General Funds		(\$210,753)	(\$210,753)	(\$210,753)
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13.6 Reduce funds for fiscal staff and shift payroll and accounts receivable functions to the Administrative Office of the Courts.

State General Funds		(\$46,868)	\$0	\$0
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13.7 Increase funds for software development (\$52,750) and hardware (\$50,000) to implement the appellate e-filing initiative.

State General Funds		\$102,750	\$102,750	\$102,750
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13.100 Court of Appeals

Appropriation (HB 78)

The purpose of this appropriation is for this court to review and exercise appellate and certiorari jurisdiction pursuant to the Constitution of the State of Georgia, Art. VI, Section V, Para. III, in all cases not reserved to the Supreme Court of Georgia or conferred on other courts by law.

TOTAL STATE FUNDS	\$12,531,853	\$13,310,262	\$13,307,966	\$13,357,490
State General Funds	\$12,531,853	\$13,310,262	\$13,307,966	\$13,357,490
TOTAL AGENCY FUNDS	\$150,000	\$150,000	\$150,000	\$150,000
Sales and Services	\$150,000	\$150,000	\$150,000	\$150,000
Sales and Services Not Itemized	\$150,000	\$150,000	\$150,000	\$150,000
TOTAL PUBLIC FUNDS	\$12,681,853	\$13,460,262	\$13,457,966	\$13,507,490

Section 6: Judicial Council

Georgia Office of Dispute Resolution

Continuation Budget

The purpose of this appropriation is to oversee the state's court-connected alternative dispute resolution (ADR) services by promoting the establishment of new ADR court programs, providing support to existing programs, establishing and enforcing qualifications and ethical standards, registering ADR professionals and volunteers, providing training, administering statewide grants, and collecting statistical data to monitor program effectiveness.

TOTAL STATE FUNDS	\$65,013	\$65,013	\$65,013	\$65,013
State General Funds	\$65,013	\$65,013	\$65,013	\$65,013
TOTAL AGENCY FUNDS	\$172,890	\$172,890	\$172,890	\$172,890
Sales and Services	\$172,890	\$172,890	\$172,890	\$172,890
Sales and Services Not Itemized	\$172,890	\$172,890	\$172,890	\$172,890
TOTAL PUBLIC FUNDS	\$237,903	\$237,903	\$237,903	\$237,903

14.1 Eliminate state funds to reflect self-sufficiency achieved through increased fee revenue.

State General Funds		(\$65,013)	(\$65,013)	(\$65,013)
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14.100 Georgia Office of Dispute Resolution

Appropriation (HB 78)

The purpose of this appropriation is to oversee the state's court-connected alternative dispute resolution (ADR) services by promoting the establishment of new ADR court programs, providing support to existing programs, establishing and enforcing qualifications and ethical standards, registering ADR professionals and volunteers, providing training, administering statewide grants, and collecting statistical data to monitor program effectiveness.

TOTAL STATE FUNDS	\$65,013			
State General Funds	\$65,013			
TOTAL AGENCY FUNDS	\$172,890	\$172,890	\$172,890	\$172,890

HB 78 (FY12)

	Governor	House	Senate	CC
Sales and Services	\$172,890	\$172,890	\$172,890	\$172,890
Sales and Services Not Itemized	\$172,890	\$172,890	\$172,890	\$172,890
TOTAL PUBLIC FUNDS	\$237,903	\$172,890	\$172,890	\$172,890

Institute of Continuing Judicial Education**Continuation Budget**

The purpose of this appropriation is to provide basic training and continuing education for Superior Court Judges, Juvenile Court Judges, State Court Judges, Probate Court Judges, Magistrate Court Judges, Municipal Court Judges, Superior Court Clerks, Juvenile Court Clerks, Municipal Court Clerks, and other court personnel.

TOTAL STATE FUNDS	\$507,072	\$507,072	\$507,072	\$507,072
State General Funds	\$507,072	\$507,072	\$507,072	\$507,072
TOTAL AGENCY FUNDS	\$177,500	\$177,500	\$177,500	\$177,500
Sales and Services	\$177,500	\$177,500	\$177,500	\$177,500
Sales and Services Not Itemized	\$177,500	\$177,500	\$177,500	\$177,500
TOTAL PUBLIC FUNDS	\$684,572	\$684,572	\$684,572	\$684,572

15.1 Reduce funds for operations to reflect an increase in fee revenue.

State General Funds		(\$20,283)	(\$20,283)	(\$20,283)
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15.2 Eliminate state funds and reflect self-sufficiency achieved through increased fee revenue. (CC: Plan for self-sufficiency in FY2013)

State General Funds		(\$486,789)		(\$25,000)
Sales and Services Not Itemized		\$525,703		\$525,703
TOTAL PUBLIC FUNDS		\$38,914		\$500,703

15.100 Institute of Continuing Judicial Education**Appropriation (HB 78)**

The purpose of this appropriation is to provide basic training and continuing education for Superior Court Judges, Juvenile Court Judges, State Court Judges, Probate Court Judges, Magistrate Court Judges, Municipal Court Judges, Superior Court Clerks, Juvenile Court Clerks, Municipal Court Clerks, and other court personnel.

TOTAL STATE FUNDS	\$507,072	\$486,789		\$461,789
State General Funds	\$507,072	\$486,789		\$461,789
TOTAL AGENCY FUNDS	\$177,500	\$177,500	\$703,203	\$703,203
Sales and Services	\$177,500	\$177,500	\$703,203	\$703,203
Sales and Services Not Itemized	\$177,500	\$177,500	\$703,203	\$703,203
TOTAL PUBLIC FUNDS	\$684,572	\$664,289	\$703,203	\$1,164,992

Judicial Council**Continuation Budget**

The purpose of this appropriation is to support the Administrative Office of the Courts; to support accountability courts and the Standing Committee on Drug Courts; to provide administrative support for the councils of the Magistrate Court Judges, the Municipal Court Judges, the Probate Court Judges, and the State Court Judges; to operate the Child Support E-Filing system, the Child Support Guidelines Commission, the Commission on Interpreters, the County and Municipal Probation Advisory Council, the Georgia Commission on Family Violence, and the Children and Family Courts division; and to support the Committee on Justice for Children.

TOTAL STATE FUNDS	\$12,059,516	\$12,059,516	\$12,059,516	\$12,059,516
State General Funds	\$12,059,516	\$12,059,516	\$12,059,516	\$12,059,516
TOTAL FEDERAL FUNDS	\$2,552,935	\$2,552,935	\$2,552,935	\$2,552,935
Child Support Enforcement Title IV-D CFDA93.563	\$749,055	\$749,055	\$749,055	\$749,055
State and Community Highway Safety CFDA20.600	\$49,611	\$49,611	\$49,611	\$49,611
State Court Improvement Program CFDA93.586	\$883,172	\$883,172	\$883,172	\$883,172
Substance Abuse & Mental Health Service Projects CFDA93.243	\$811,065	\$811,065	\$811,065	\$811,065
Violence Against Women Formula Grants CFDA16.588	\$60,032	\$60,032	\$60,032	\$60,032
TOTAL AGENCY FUNDS	\$268,905	\$268,905	\$268,905	\$268,905
Sales and Services	\$268,905	\$268,905	\$268,905	\$268,905
Sales and Services Not Itemized	\$268,905	\$268,905	\$268,905	\$268,905
TOTAL PUBLIC FUNDS	\$14,881,356	\$14,881,356	\$14,881,356	\$14,881,356

16.1 Increase funds for increased space and equipment rental costs associated with the acquisition of additional space.

State General Funds	\$50,627	\$0	\$0	\$0
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16.2 Increase funds due to the PeopleSoft billing increase.

State General Funds	\$24,916	\$0	\$0	\$0
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16.3 Increase funds due to the increase in the annual supplemental fee for the Consortium for Language Access in the Courts.

State General Funds	\$6,691	\$0	\$0	\$0
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16.4 Increase funds to fill critical vacancies in divisions that incurred personnel losses during FY 2010 and FY 2011.

State General Funds	\$226,000	\$0	\$0	\$0
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16.5	<i>Increase funds for operations related to the Access to Justice program.</i>			
State General Funds	\$83,900	\$0	\$0	\$0
16.6	<i>Increase funds for grants to local organizations providing legal services to victims of domestic violence.</i>			
State General Funds	\$99,324	\$0	\$0	\$0
16.7	<i>Reduce funds to reflect an adjustment in Workers' Compensation premiums.</i>			
State General Funds		(\$588)	(\$588)	(\$588)
16.8	<i>Reduce funds to reallocate expenses for Georgia Enterprise Technology Services (GETS).</i>			
State General Funds		(\$2,096)	(\$2,096)	(\$2,096)
16.9	<i>Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System.</i>			
State General Funds		\$95,206	\$95,206	\$95,206
16.10	<i>Increase funds to reflect an adjustment in the employer share of the Judicial Retirement System.</i>			
State General Funds		\$7,720	\$7,720	\$7,720
16.11	<i>Increase funds to reflect an adjustment in the employer share of the State Health Benefit Plan.</i>			
State General Funds		\$174,430	\$151,777	\$174,595
16.12	<i>Reduce funds for personnel to reflect a statewide hiring freeze from FY2009 through FY2012.</i>			
State General Funds		(\$1,004,278)	\$0	(\$250,000)
16.13	<i>Reduce funds for state-paid conference costs.</i>			
State General Funds		(\$3,606)	(\$3,606)	(\$3,606)
16.14	<i>Reduce funds for state-paid conference costs for the Council of Magistrate Court Judges.</i>			
State General Funds		(\$16,283)	(\$16,283)	(\$16,283)
16.15	<i>Reduce funds for state-paid conference costs for the Council of State Court Judges.</i>			
State General Funds		(\$18,400)	(\$18,400)	(\$18,400)
16.16	<i>Increase funds to add one staff member to perform Judicial Shared Services functions for the Supreme Court and Court of Appeals.</i>			
State General Funds		\$81,824	\$0	\$0
16.17	<i>Reduce funds for personnel and operations, exempting the Council of Magistrate Court Judges and the Council of State Court Judges.</i>			
State General Funds			(\$367,697)	(\$367,697)
16.98	<i>Transfer funds for all activities and functions related to Accountability Courts to the new Accountability Courts program.</i>			
State General Funds			(\$1,909,878)	(\$1,909,878)
16.99	<i>CC: The purpose of this appropriation is to support the Administrative Office of the Courts; to provide administrative support for the councils of the Magistrate Court Judges, the Municipal Court Judges, the Probate Court Judges, and the State Court Judges; to operate the Child Support E-Filing system, the Child Support Guidelines Commission, the Commission on Interpreters, the County and Municipal Probation Advisory Council, the Georgia Commission on Family Violence, and the Children and Family Courts division; and to support the Committee on Justice for Children.</i> <i>Senate: The purpose of this appropriation is to support the Administrative Office of the Courts; to provide administrative support for the councils of the Magistrate Court Judges, the Municipal Court Judges, the Probate Court Judges, and the State Court Judges; to operate the Child Support E-Filing system, the Child Support Guidelines Commission, the Commission on Interpreters, the County and Municipal Probation Advisory Council, the Georgia Commission on Family Violence, and the Children and Family Courts division; and to support the Committee on Justice for Children.</i>			
State General Funds			\$0	\$0

16.100 Judicial Council**Appropriation (HB 78)**

The purpose of this appropriation is to support the Administrative Office of the Courts; to provide administrative support for the councils of the Magistrate Court Judges, the Municipal Court Judges, the Probate Court Judges, and the State Court Judges; to operate the Child Support E-Filing system, the Child Support Guidelines Commission, the Commission on Interpreters, the County and Municipal Probation Advisory Council, the Georgia Commission on Family Violence, and the Children and Family Courts division; and to support the Committee on Justice for Children.

TOTAL STATE FUNDS	\$12,550,974	\$11,373,445	\$9,995,671	\$9,768,489
State General Funds	\$12,550,974	\$11,373,445	\$9,995,671	\$9,768,489
TOTAL FEDERAL FUNDS	\$2,552,935	\$2,552,935	\$2,552,935	\$2,552,935
Child Support Enforcement Title IV-D CFDA93.563	\$749,055	\$749,055	\$749,055	\$749,055
State and Community Highway Safety CFDA20.600	\$49,611	\$49,611	\$49,611	\$49,611
State Court Improvement Program CFDA93.586	\$883,172	\$883,172	\$883,172	\$883,172
Substance Abuse & Mental Health Service Projects CFDA93.243	\$811,065	\$811,065	\$811,065	\$811,065
Violence Against Women Formula Grants CFDA16.588	\$60,032	\$60,032	\$60,032	\$60,032
TOTAL AGENCY FUNDS	\$268,905	\$268,905	\$268,905	\$268,905
Sales and Services	\$268,905	\$268,905	\$268,905	\$268,905

HB 78 (FY12)

	Governor	House	Senate	CC
Sales and Services Not Itemized	\$268,905	\$268,905	\$268,905	\$268,905
TOTAL PUBLIC FUNDS	\$15,372,814	\$14,195,285	\$12,817,511	\$12,590,329

Judicial Qualifications Commission**Continuation Budget**

The purpose of this appropriation is to investigate complaints filed against a judicial officer, impose and recommend disciplinary sanctions against any judicial officer, and when necessary, file formal charges against that officer and provide a formal trial or hearing. The purpose of this appropriation is also to produce formal and informal advisory opinions; provide training and guidance to judicial candidates regarding the Code of Judicial Conduct; and investigate allegations of unethical campaign practices.

TOTAL STATE FUNDS	\$251,749	\$251,749	\$251,749	\$251,749
State General Funds	\$251,749	\$251,749	\$251,749	\$251,749
TOTAL PUBLIC FUNDS	\$251,749	\$251,749	\$251,749	\$251,749

17.1 Increase funds for expenses related to the investigation and prosecution of judges.

State General Funds	\$50,000	\$50,000	\$100,000	\$150,000
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17.2 Increase funds to reflect an adjustment in the employer share of the State Health Benefit Plan.

State General Funds		\$7,483	\$6,512	\$7,491
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17.100 Judicial Qualifications Commission**Appropriation (HB 78)**

The purpose of this appropriation is to investigate complaints filed against a judicial officer, impose and recommend disciplinary sanctions against any judicial officer, and when necessary, file formal charges against that officer and provide a formal trial or hearing. The purpose of this appropriation is also to produce formal and informal advisory opinions; provide training and guidance to judicial candidates regarding the Code of Judicial Conduct; and investigate allegations of unethical campaign practices.

TOTAL STATE FUNDS	\$301,749	\$309,232	\$358,261	\$409,240
State General Funds	\$301,749	\$309,232	\$358,261	\$409,240
TOTAL PUBLIC FUNDS	\$301,749	\$309,232	\$358,261	\$409,240

Resource Center**Continuation Budget**

The purpose of this appropriation is to provide direct representation to death penalty sentenced inmates and to recruit and assist private attorneys to represent plaintiffs in habeas corpus proceedings.

TOTAL STATE FUNDS	\$565,500	\$565,500	\$565,500	\$565,500
State General Funds	\$565,500	\$565,500	\$565,500	\$565,500
TOTAL PUBLIC FUNDS	\$565,500	\$565,500	\$565,500	\$565,500

18.1 Increase funds to ensure indigent death-sentenced inmates are adequately represented in legal proceedings.

State General Funds	\$234,500	\$36,083	\$0	\$0
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18.100 Resource Center**Appropriation (HB 78)**

The purpose of this appropriation is to provide direct representation to death penalty sentenced inmates and to recruit and assist private attorneys to represent plaintiffs in habeas corpus proceedings.

TOTAL STATE FUNDS	\$800,000	\$601,583	\$565,500	\$565,500
State General Funds	\$800,000	\$601,583	\$565,500	\$565,500
TOTAL PUBLIC FUNDS	\$800,000	\$601,583	\$565,500	\$565,500

Accountability Courts**Continuation Budget**

The purpose of this appropriation is to support adult felony drug courts, DUI courts, juvenile drug courts, family dependency treatment courts, and mental health courts, as well as, the Judicial Council Standing Committee on Drug Courts.

TOTAL STATE FUNDS			\$0	\$0
State General Funds			\$0	\$0

508.1 Increase funds for Accountability Courts starting January 1, 2012. No state funds shall be provided to any accountability court where such court is delinquent in the required reporting and remittance of all fines and fees collected by such court.

State General Funds		\$353,681	\$353,681
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508.98 Transfer funds from the Judicial Council program for all activities and functions related to Accountability Courts.

State General Funds		\$1,909,878	\$1,909,878
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508.99 *CC: The purpose of this appropriation is to support adult felony drug courts, DUI courts, juvenile drug courts, family dependency treatment courts, and mental health courts, as well as the Judicial Council Standing Committee on Drug Courts. No state funds shall be provided to any accountability court where such court is delinquent in the required reporting and remittance of all fines and fees collected by such court.*
Senate: The purpose of this appropriation is to support adult felony drug courts, DUI courts, juvenile drug courts, family dependency treatment courts, and mental health courts, as well as the Judicial Council Standing

Judicial Council of Georgia
Administrative Office of the Courts

Marla S. Moore
Director

Memorandum

To: Judicial Council of Georgia Members

From: Presiding Judge Herbert Phipps, Chair
Judicial Council Committee on Court Reporting Matters

Date: April 14, 2011

Re: Judicial Council Committee on Court Reporting Matters Report

CC: Judicial Council Committee on Court Reporting Matters
John Larkins, Board of Court Reporting Chair
Cynthia Clanton

The Judicial Council delegated to its Committee on Court Reporting Matters the responsibility of representing the Council on all matters relating to court reporting which includes the review of disciplinary appeals and Board rules.

This memorandum will provide you with an update on the Yvonne Law matter which was previously reported on at the January 2011 Judicial Council meeting, and a new matter before the Committee.

Injunction Against Yvonne Law

Last December, the Committee considered evidence from the Board of Court Reporting indicating that Yvonne Law was continuing to practice as a court reporter despite the revocation of her license on January 1, 2009. The Committee authorized the Board to file a Complaint against Ms. Law seeking to enjoin her from the continued unlawful practice of court reporting.

The Attorney General's Office filed a Verified Complaint for the Board in the Superior Court of Bibb County on January 6, 2011. Ms. Law filed an Answer and Counterclaim against the Board, as well as the Judicial Council of Georgia, the Administrative Office of the Courts, and John Doe et al. Ms. Law is seeking damages in the amount of \$1,000,000.00 to compensate her for being "destroyed financially, socially, physically and psychologically by the Defendant's actions." She is a pro se litigant. The Attorney General's office responded and filed a Motion to Dismiss the

Counterclaim. A Rule Nisi hearing is scheduled for April 21, 2011, to address all pending issues.

BPC Financial Insurance and Retirement Program for Court Reporters

On April 13, 2011, the Committee on Court Reporting Matters considered whether it would be appropriate for the Board of Court Reporting to provide an opportunity for association-rate insurance and retirement products to court reporters through BPC Financial. There would be no financial or personnel cost to the Board to offer this benefit. BPC Financial provides similar insurance and retirement products to attorneys as a recommended broker of the State Bar of Georgia and to registered neutrals as the recommended broker of the Georgia Commission on Dispute Resolution.

After due consideration of the attached materials, it was the consensus of the Committee that BPC Financial could serve as the recommended broker of the Board for the purpose of providing court reporters with insurance and retirement products.

Should you have any questions about the above-listed matters, please contact Cynthia Clanton, General Counsel of the Administrative Office of the Courts.

Attachments



Judicial Council of Georgia
Board of Court Reporting

Marla S. Moore
Director, AOC

Report to:
Aquaria R. Smith, Program Manager

Memorandum

To: Each Member of the Judicial Council Committee on Court Reporting Matters

From: Aquaria R. Smith *ARS*
Program Manager for the Board of Court Reporting

Date: November 30, 2010

Re: BPC Financial Insurance and Retirement Program for Court Reporters

CC: Marla S. Moore, Secretary to the Board of Court Reporting and
Director, Administrative Office of the Courts

Attached is a proposal and draft contract from BPC Financial that is under consideration by the Board for BPC to provide association-rate insurance and retirement products to Georgia-certified court reporters. The Board hopes to earn the further good will of certified court reporters by offering more tangible benefits for the annual fees paid by certified court reporters.

BPC is the State Bar of Georgia's recommended insurance broker for health, dental and vision plans offered to Bar members; where such a Board program would operate in much the same manner for the benefit of court reporters.

Under the contract, BPC Financial will receive the right to be the exclusive marketer, broker of record and administrator for the Board's program, which may offer any or all of the following policies, plans and programs: Accidental Death & Dismemberment Insurance; Dental Insurance; Life Insurance; Long Term Care Insurance; Major Medical Health Insurance; Disability Income Insurance; Vision Insurance; Retirement/401k; Employer Group Benefit Plans (Medical, Short Term Disability, Long Term Disability, Life, Long Term Care); Pet Insurance; Homeowners Insurance; Auto Insurance; Business Insurance (including Property/Liability/Employment Practices Liability).

BPC would do all of the marketing and management of the program, even creating a program website specifically for Georgia-certified court reporters. There will be no financial or personnel cost to the Board to offer this benefit to court reporters.

—Continued on Page 2—

However, given the nature of this program, the consensus of the Board is that direction should be sought by the Board from the Committee on Court Reporting Matters before proceeding with further consideration. Therefore, the Board requests that the Committee review the attached information from BPC and advise the Board on whether such a program meets the approval of the Committee.

A PROPOSAL FOR:

**THE BOARD OF COURT REPORTING
OF THE JUDICIAL COUNCIL OF GEORGIA
VOLUNTARY MEMBER BENEFITS INSURANCE PROGRAMS**

BPC Financial is a full-service insurance and financial services organization specializing in Third Party Administration of professional affinity group and association member benefit programs.

As a licensed Third Party Administrator, BPC Financial has national expertise in:

- Programs development
- Association/Affinity group plan installation
- Negotiation of substantial discounts, exclusive services, and underwriting concessions
- Billing and collection services
- Claims administration
- Marketing & programs communication
- Policy issuance
- Customer service
- Member database management

BPC Financial clearly understands its objective to support association and professional affinity group clients by providing customized insurance products and employee benefit plans to their individual members and employer groups.

Why offer member benefits insurance & retirement programs?:

- Increased membership growth & retention
- Increased dues revenue
- Increased non-dues revenue – Potential for royalty/endorsement fee paid to association/affinity group (optional).
- Increased marketing revenue – BPC Financial consistently markets through association publications, customized program website, and trade-shows.
- Increased exposure of association through marketing of programs.
- Minimal time invested by Association staff. We take care of everything!
- NO COST to the Association/Affinity Group

HISTORY OF BPC FINANCIAL

Earl C. Trefry, Jr., CLU, the founder of BPC Financial, formerly Business Planning Concepts, Inc., graduated from the University of Florida in 1972. Earl, a.k.a. Chip, has spent most of his career specializing in helping professionals with their insurance and planning needs.

Incorporated October 1, 1984, under the laws of The State of Florida and domiciled in Jacksonville, Florida, the company was formed expressly to provide professionals and their firms with specialized insurance products and advice. BPC Financial began working with associations by providing the Duval County Bar Association with a non-cancelable Disability Income product in 1985. This program was offered to The Florida Bar in 1987, initiating The Florida Bar's relationship with BPC Financial. Since that time, BPC Financial has developed and enhanced a complete array of programs designed for association members, affinity, and employer groups.

BPC Financial is a proud member of the **American Institute of Professional Association Group Insurance Administrators (AIPAGIA)**, a national, invite-only, association comprised of members who are regarded as the leading administrators of group insurance in the United States of America. The high regard that is given to the members of AIPAGIA is reflected in the volume of business they service - approximately one billion dollars of annualized premium.

ASSOCIATIONS/AFFINITY GROUPS WE SERVE



The Florida Bar

Attorneys – 88,000 members



State Bar of Georgia

State Bar of Georgia

Attorneys – 40,000 members



Florida Association of Mortgage Professionals

2,000 members



Georgia Office of Dispute Resolution

Approx. 2,500 Registered Neutrals



Georgia Association of Convenience Stores

Approx. 30,000 Members & Employees



Florida Association of Legal Support Specialists

Approx. 400 members



St. Augustine & St. Johns County Board of REALTORS

Approx. 650 members



Florida Registered Paralegals

Approx. 4,000 paralegals

WHAT THEY'RE SAYING ABOUT US

Member Benefits Committee Chair

"I am familiar not only with the work of BPC Financial but with other administrators and, without hesitation, I recommend BPC Financial..."

Howard M. Rosenblatt, JD, past Florida Bar Member Benefits Committee Chair, Gainesville, FL

Insurance Company National Sales Director

"BPC Financial is a leader in the association insurance marketplace....Having worked in the marketplace for more than 20 years, I want you to know BPC Financial has been an excellent partner with ING and ultimately a top level administrator for The Florida Bar in the marketing and servicing of our sponsored programs these past 10 years."

John F. Breyer CLU, National Sales Director, ING Association Sales

Member Benefits Committee Chair

"I have had the privilege of working with BPC Financial for more than a decade. During that time, I served on and as the Chair of The Florida Bar's Member Benefits Committee and I also chaired that committee's Insurance Sub-Committee. In those roles, I had significant involvement with BPCF and I hold them in the highest regard. Over that time period, The Florida Bar's relationship with BPCF has developed into the symbiotic relationship it currently enjoys. BPCF's professionalism is evident by its actions."

"BPCF has tirelessly worked to protect the interests of The Florida Bar and its members. Those efforts include bringing new products to the market and continuously evaluating the competitiveness of certain member benefit insurance programs."

"BPCF's performance with The Florida Bar is continuously evaluated and I categorically believe that there is no other company that could provide The Florida Bar and its members with BPCF's level of experience, attention to detail and professionalism"

"I would whole heartedly recommend BPCF to any Bar Association seeking to forge a relationship with an insurance and/or business provider or broker."

Mark J. Ragusa, Florida Bar Member Benefits Committee & Past Chair, Tampa, FL

WHAT THEY'RE SAYING ABOUT US (CONT.)

Association Staff – Programs Director

“As the director of programs for The Florida Bar, I have worked closely with BPC Financial for over 15 years. During this time, BPCF has expanded our program offerings from a very limited number to a complete array of both group and individual programs. Since contracting with BPCF to administer our group and individual programs, we have seen participation increase dramatically. I believe this is the result of BPCF’s ability to develop, deliver and service competitive programs that our members appreciate.”

“BPCF has been able to reduce the number of complaints from a significant number to an insignificant number. Equally important, is the fact that they are able to resolve the few complaints that do occur.”

“I highly recommend this organization to administer member benefit insurance and retirement programs.”

Michael A. Tartaglia, past Programs Division Director, The Florida Bar

Board Member/Customer

“I feel uniquely qualified to comment on their experience based on my involvement in procuring their excellent services for The Florida Bar. While a member of the Board of Governors of The Florida Bar from 1988 through 1990, and subsequently in numerous other Bar positions, I played a role in getting The Florida Bar Member Benefits Committee to address the deficiencies in our member benefits programs and correct these deficiencies by utilizing BPC Financial's expertise in group, individual, and affinity insurance programs. Not only was I a proponent of BPC Financial, but became a very, very satisfied customer. They have performed an outstanding service for The Florida Bar and its 80,000+ attorneys....”

Joseph P. Milton, past Florida Bar Board of Governor, Jacksonville, FL

PRODUCTS/SERVICES

Contingent upon contracting with BPC Financial and through final insurance provider consent, **association/affinity groups may choose from the following products:**

Association Member Group Rated (Pooled) Plans

These are group plans that allow individuals (members, spouses, member's employees) to participate in a plan with large group type benefits and large group rates exclusively designed for association/affinity group members. **These plans utilize the buying power of BPC Financial's collective association member client base, are proprietary, not available to the general public, and will not exist for association members without its endorsement:**

- Dental Insurance
- Vision Insurance
- Term Life Insurance
- Long Term Disability Income Insurance
- Short Term Disability Income Insurance
- Accidental Death & Dismemberment (AD&D)
- Cancer/Critical Illness Insurance
- Accident Insurance
- Limited Medical/Hospital Indemnity
- Catastrophic Major Medical
- Auto/Homeowners
- Property/Liability Insurance

Premium Discounts, Underwriting Concessions, and Product Enhancements

These are "street" products that BPC Financial has negotiated an exclusive Association endorsement arrangement. Association members will have access to special pricing, underwriting concessions, or product enhancements:

- Major Medical Insurance (for Individuals and Small Groups)
- Long Term Care Insurance
- Identity Theft Solutions
- 401(k) Retirement Plans
- Pet Insurance

CONTACT INFORMATION

Earl C. Trefry, Jr. CLU, *President*

BPC Financial

7645 Gate Parkway, Suite 101, Jacksonville, FL 32256

Phone (800) 282-8626 ext 3230 | Facsimile (904) 396-2091

chipt@memberbenefits.com | www.memberbenefits.com

Board of Court Reporting Insurance & Retirement Program Agreement

This Agreement entered into on ____ of ____, ____ between **Business Planning Concepts, Inc. d/b/a BPCF Financial** (hereinafter referred to as “**BPCF**”), having its principal place of business in Jacksonville, Florida, and the **Board of Court Reporting** of the Judicial Council of Georgia (hereinafter referred to as **BOCR**”), an agency of the judiciary of the State of Georgia, having its principal place of business in Atlanta, Georgia.

Whereas, **BPCF** markets member benefits programs to organizations such as **BOCR** and its certified court reporters;

Whereas, **BOCR** desires to enter into this Agreement with **BPCF** to establish **BPCF** as **BOCR**’s recommended broker for **BOCR**’s certified court reporters, and to allow **BPCF** to extend to court reporters the assistance in purchasing insurance, retirement contracts, and other member benefit services.

Now, therefore, in consideration of the mutual covenants and agreements contained herein, **BPCF** and **BOCR** mutually agree as follows:

I. Recommendation of Program

BOCR hereby agrees that **BPCF** will serve as the exclusive marketer to **BOCR**’s certified court reporters of the plans/programs listed on **Schedule A**, which is attached to this Agreement and incorporated herein by reference.

II. Appointment of Administrator

BOCR formally appoints **BPCF** as Broker of Record and Administrator of the Program that **BOCR** will recommend to court reporters that currently includes those plans/programs identified in **Schedule A**.

III. Elements of Program

A. Concessions:

BPCF will negotiate, when available, group plans, premium discounts, service discounts, and underwriting concessions with insurance carriers and service providers selected to provide products in the **BOCR Insurance & Retirement Program**. Insurance companies selected will be submitted by **BPCF** to the Secretary of the **BOCR**, or a designee, for approval prior to marketing.

B. Marketing Plan:

BPCF will advertise this program through direct mail and print ads in **BOCR Publications**. Toll-free phone lines will be available for enrollment in the program. A customized **BOCR Insurance & Retirement Program** website will be created and maintained by **BPCF**.

IV. Rights and Responsibilities of BOCR

- A. Within 30 days of the creation of the customized **BOCR Insurance & Retirement Program** website, **BOCR** will provide a link from the **BOCR** website to the **BOCR Insurance & Retirement Program** website.
- B. **BOCR** shall permit **BPCF** to solicit its individual certified court reporters by mail, advertisements, and personal contact for participation in the program. For the purposes of such solicitation only, **BOCR** shall provide **BPCF** with a complete listing of certified court reporters, free of charge, containing court reporters' names, telephone numbers, mailing addresses, and email addresses. Any such solicitation program must first be approved by the Secretary of **BOCR**, or a designee, prior to its initiation by **BPCF**. The Secretary of **BOCR** shall notify **BPCF** in writing of the appointment of such designee. **BOCR**, however, shall not be required to approve more than two solicitations per year.
- C. **BOCR** agrees that, during the term of this Agreement, and any extensions hereof, it will not officially sponsor, endorse, or promote any other marketing of programs listed on **Schedule A**.

This provision shall not prohibit **BOCR** from permitting advertisement in any of its publications or exhibitors at any of its meetings from any entity, which offers similar insurance plans.

- D. Subject to all the terms, conditions, and limitations contained in this Agreement, **BOCR** hereby agrees that **BPCF** may use the words "BPC Financial, Benefits Insurance For Georgia Court Reporters", on all advertisements, subscriber service agreements and other communications promoting the program to Georgia court reporters.

It is expressly understood that nothing contained herein shall prohibit **BOCR** from granting to others a license to use the same or similar publicity language in conjunction with other programs.

The license granted hereunder to use the publicity language shall remain in effect for the duration of the Agreement and any extensions hereof.

The license granted hereunder to use the publicity language shall not be assigned or transferred by **BPCF**.

V. Rights and Responsibilities of BPCF

- A. **BPCF** shall develop all advertising solicitation and promotional materials with regard to the program. **BOCR** shall have the right of prior approval of all advertising and solicitation materials prepared by **BPCF** for distribution to **BOCR** certified court reporters, and **BOCR**, in its sole discretion, can reject any advertising or solicitation materials.
- B. **BPCF** shall bear all costs of producing and placing promotional material for the program. This includes postal related costs for mailings to **BOCR** certified court reporters.
- C. **BPCF** shall use the certified court reporter listing provided pursuant to this Agreement only in a manner consistent therewith and shall not permit any other party to use such certified court reporter listing for any other purpose.
- D. **BOCR** certified court reporter listings are and shall remain the sole property of **BOCR**.
- E. **BPCF** hereby agrees to indemnify, protect and hold harmless **BOCR** and its officers and directors from any claim or lawsuit against **BOCR**, its officers, or its directors arising as a result of **BOCR**'s recommendation of **BPCF** to **BOCR** certified court reporters. Moreover, damages for any breach of this Agreement by **BOCR** are limited only to cancellation of the Agreement by **BPCF**.
- F. **BPCF** will bill insured certified court reporters of **BOCR** on a scheduled basis for the amounts due for their insurance coverage and services on programs where billing services are necessary. **BOCR** shall have no responsibility for satisfying the bills or payments of **BOCR** certified court reporters that become due to **BPCF** or **BPCF**'s insurance or service providers.
- G. **BPCF** will maintain accurate records of enrollment on the plans of certified court reporters and their eligible employees and dependents.
- H. **BPCF** will be responsible for reviewing program participation, data, and payments. **BPCF** will be responsible for remitting this information and appropriate payments to the insurance and service providers on an established schedule on programs where billing services are necessary. **BPCF** shall also be responsible for compliance with any governmental regulations concerning such insurance and benefits plans.
- I. **BPCF** will remit payments to the insurance and service providers in accordance with the time and manner specified in agreements with the respective providers on programs where billing services are necessary.

- J. In order to provide the aforementioned services to the individual certified court reporters and the reports required by **BOCR**, **BPCF** will maintain sufficient data processing capability and staff.
- K. **BPCF** will assist insured certified court reporters in the processing of valid claims with the appropriate insurance company, and provide other reasonable services to insureds as may be requested or required by telephone, e-mail or written correspondence.
- L. **BPCF** will use all reasonable efforts to prevent disclosures to any unauthorized persons of any information that may be contained in, or derived from applications, or other administrative records held by **BPCF** for the Plans. Upon the request of **BOCR** for information relating to the Program, **BPCF** shall, subject to the terms of this agreement, privacy and other rights of other parties, provide **BOCR** with copies of such information.
- M. While **BPCF** shall not have the right to assign this contract, they shall have the right to subcontract certain of the responsibilities outlined above, subject to prior notification to **BOCR** and approval by **BOCR**. Such approval will not be unreasonably withheld.

VI. Relationship of the Parties

It is agreed and understood that **BPCF** is an independent contractor and its representatives are not agents or employees of **BOCR**. It is agreed that for the purposes of this Agreement, **BOCR** is an independent contractor and its representatives are not agents or employees of **BPCF**. Neither **BPCF** nor **BOCR** shall have the power or authority to bind or obligate the other in any manner or for any purpose to any third party.

VII. Term of Agreement

The initial term of this Agreement will be in force for a one-year period from the date hereof. Upon agreement of the parties, the term of this Agreement can be extended beyond the initial term. However, either party may terminate this Agreement in its sole discretion for convenience or for any reason upon thirty (30) days' written notice by hand delivery or by certified or registered United States mail, return receipt requested, or immediately for material cause upon any reasonable notice from the party's liaison, confirmed in writing.

VIII. State Law Governing Agreement

This Agreement shall be governed by, subject to, and construed according to the laws of the State of Georgia.

IX. Waiver

The waiver or failure of any party to exercise in any aspect any right provided for in this Agreement shall not be deemed a waiver of any further or future rights hereunder.

X. Agreement to be bound by Contract

This Agreement shall be binding not only on the parties hereto, but also upon their successors or assignees; and the parties hereto agree for themselves and their successors or assignees to execute any instrument and to perform any acts which may be necessary or proper to carry out the purposes of this Agreement.

XI. Contract Modification

This Agreement cannot be modified or changed except by written agreement signed by authorized officers of all parties (or their successors or assignees).

XII. Notices

All notices and other communications relating to this Agreement shall be in writing and shall be deemed to have been given, made and received only upon actual receipt of registered or certified mail, postage prepaid, return receipt requested, and addressed as set forth below:

BOCR
Board of Court Reporting
Attn: Aquaria Smith, Program Manager
244 Washington Street, SW
Suite 300
Atlanta, GA 30334-5900

BPCF
BPC Financial
Attn: Earl C. Trefry Jr., CLU
7645 Gate Parkway, Ste 101
Jacksonville, FL 32256

Any addressee may alter the address to which communications are to be sent by giving notice of such change of address in conformity with the provisions of this section XI for the giving of notice.

XIII. Severability

If any term, provision, or condition, or any part thereof, of this Agreement shall for any reason be found or held invalid or unenforceable by any court or governmental agency of competent jurisdiction, such invalidity or unenforceability shall not affect the remainder of such term, provision, or condition, nor any other provision, or condition, and this Agreement shall survive and be construed as if such invalid or unenforceable term provision, or condition had not been contained therein.

XIV. Merger and Integration

This Agreement and the attached schedules contain the entire Agreement of the parties hereto with respect to the matters conveyed in the transactions contemplated hereby; and no other agreement, statement or promise made by any party hereto or by any employee, officer, agent, or attorney of any party hereto, which is not contained herein, shall be valid and binding.

XV. Headings

The headings and subheadings contained in the titling of this Agreement are intended to be used for convenience only and shall not be used or deemed to limit any of the provisions hereof.

XVI. Consent of the BOCR

Where this Agreement calls for the consent or approval of **BOCR**, such consent or approval shall be executed by the Secretary of **BOCR** or such designee. The Secretary of **BOCR** shall notify **BPCF** in writing of the appointment of such designee.

In Witness Whereof, the parties hereto have set their hands and seals on the dates indicated below.

Board of Court Reporting

ATTEST

Signature

Printed Name & Title

Witness Signature

Printed Name & Title

Business Planning Concepts, Inc. d/b/a BPC Financial

ATTEST

Signature

Earl C. Trefry, Jr. CLU, President
Printed Name & Title

Witness Signature

Printed Name & Title

Schedule A
Board of Court Reporting
Insurance & Retirement Programs
Dated: [ADD DATE]

Insurance & Retirement Programs

Dental Insurance

Life Insurance

Accidental Death & Dismemberment

Long Term Care Insurance

Major Medical Health Insurance/ HSA's

Vision Insurance

Employer Group Benefit Plans (Medical, Short Term Disability, Long Term Disability, Life, Long Term Care)

401(k) / Retirement Plans

Pet Insurance

Homeowners Insurance

Auto Insurance

Business Insurance (including Property/Liability/Employment Practices Liability)

Committee on Drug Courts. No state funds shall be provided to any accountability court where such court is delinquent in the required reporting and remittance of all fines and fees collected by such court.

State General Funds

\$0

\$0

508.100 Accountability Courts**Appropriation (HB 78)**

The purpose of this appropriation is to support adult felony drug courts, DUI courts, juvenile drug courts, family dependency treatment courts, and mental health courts, as well as the Judicial Council Standing Committee on Drug Courts. No state funds shall be provided to any accountability court where such court is delinquent in the required reporting and remittance of all fines and fees collected by such court.

TOTAL STATE FUNDS	\$2,263,559	\$2,263,559	\$2,263,559	\$2,263,559
State General Funds	\$2,263,559	\$2,263,559	\$2,263,559	\$2,263,559
TOTAL PUBLIC FUNDS	\$2,263,559	\$2,263,559	\$2,263,559	\$2,263,559

Section 7: Juvenile Courts**Council of Juvenile Court Judges****Continuation Budget**

The purpose of this appropriation is for the Council of Juvenile Court Judges to represent all the juvenile judges in Georgia. Jurisdiction in cases involving children includes delinquencies, status offenses, and deprivation.

TOTAL STATE FUNDS	\$1,464,821	\$1,464,821	\$1,464,821	\$1,464,821
State General Funds	\$1,464,821	\$1,464,821	\$1,464,821	\$1,464,821
TOTAL FEDERAL FUNDS	\$447,456	\$447,456	\$447,456	\$447,456
Juvenile Accountability Incentive Block Grants CFDA16.523	\$447,456	\$447,456	\$447,456	\$447,456
TOTAL PUBLIC FUNDS	\$1,912,277	\$1,912,277	\$1,912,277	\$1,912,277

19.1 Reduce funds to reallocate expenses for Georgia Enterprise Technology Services (GETS).

State General Funds	(\$2,635)	(\$2,635)	(\$2,635)
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19.2 Increase funds to reflect an adjustment in the employer share of the Employees' Retirement System.

State General Funds	\$9,347	\$9,347	\$9,347
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19.3 Increase funds to reflect an adjustment in the employer share of the State Health Benefit Plan.

State General Funds	\$43,630	\$37,964	\$43,671
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19.4 Reduce funds for one vacant Administrative Assistant position.

State General Funds	(\$24,764)	(\$24,764)	(\$24,764)
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19.5 Reduce funds for state-funded coordination and supervision of the Permanent Homes for Children program.

State General Funds	(\$268,000)	\$0	(\$68,000)
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19.6 Increase funds for renovations and moving costs to relocate the Council of Juvenile Court Judges office to Capitol Hill. (S and CC: Do not move and reduce funds to reflect savings based on decreased rental rates)

State General Funds	\$41,056	(\$8,485)	(\$8,485)
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19.100 Council of Juvenile Court Judges**Appropriation (HB 78)**

The purpose of this appropriation is for the Council of Juvenile Court Judges to represent all the juvenile judges in Georgia. Jurisdiction in cases involving children includes delinquencies, status offenses, and deprivation.

TOTAL STATE FUNDS	\$1,464,821	\$1,263,455	\$1,476,248	\$1,413,955
State General Funds	\$1,464,821	\$1,263,455	\$1,476,248	\$1,413,955
TOTAL FEDERAL FUNDS	\$447,456	\$447,456	\$447,456	\$447,456
Juvenile Accountability Incentive Block Grants CFDA16.523	\$447,456	\$447,456	\$447,456	\$447,456
TOTAL PUBLIC FUNDS	\$1,912,277	\$1,710,911	\$1,923,704	\$1,861,411

Grants to Counties for Juvenile Court Judges**Continuation Budget**

The purpose of this appropriation is for payment of state funds to circuits to pay for juvenile court judges salaries.

TOTAL STATE FUNDS	\$5,300,561	\$5,300,561	\$5,300,561	\$5,300,561
State General Funds	\$5,300,561	\$5,300,561	\$5,300,561	\$5,300,561
TOTAL PUBLIC FUNDS	\$5,300,561	\$5,300,561	\$5,300,561	\$5,300,561

20.1 Increase funds to reflect an adjustment in the employer share of the Judicial Retirement System.

State General Funds	\$3,834	\$3,834	\$3,834
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20.100 Grants to Counties for Juvenile Court Judges**Appropriation (HB 78)**

The purpose of this appropriation is for payment of state funds to circuits to pay for juvenile court judges salaries.

TOTAL STATE FUNDS	\$5,300,561	\$5,304,395	\$5,304,395	\$5,304,395
State General Funds	\$5,300,561	\$5,304,395	\$5,304,395	\$5,304,395
TOTAL PUBLIC FUNDS	\$5,300,561	\$5,304,395	\$5,304,395	\$5,304,395